

REMARKS

Entry of this Amendment and reconsideration of the above-identified application in view of the following amendments and remarks is respectfully requested

Claims 1-13 are pending and stand rejected.

Claim 1 is the sole independent claim.

Claims 1, 9, 11 and 13 have been amended. Claims 2, 10 and 12 have been cancelled without prejudice.

Claims 1-13 stand rejected under 35 USC 103(a) as being unpatentable over Berge (USP no. 6, 369, 954) in view of Shenderov (USP no. 6, 565, 727). In maintaining the rejection of the claims the examiner asserts that Shenderov discloses a liquid that is less polar and that the term "zero dipole moment" in the claims is being interpreted as less polar relative to a polar liquid.

Applicant thanks the Examiner for his further comments and rationale regarding the rejection of the claims, but continues to respectfully disagree with and explicitly traverse the reason for the rejection of the claims. However, in the interest of advancing the prosecution of this matter, independent claim 1 has been amended to recite the subject matter claimed in better form. More specifically, claim 1 has been amended to recite the element of "the second fluid including a compound having a higher molecular weight than said first fluid, said compound containing symmetric molecules and having a zero dipole moment, wherein a density of said second fluid including said compound of higher molecular weight is substantially similar to a density of said first fluid." No new matter has been added. Support for the amendment may be found at least page 6, lines 24-29 (higher molecular weight), page 11, lines 26-30 (match density of water (i.e., first liquid)) and cancelled claims 10 and 12.

In rejecting the claims the Office Action refers to Berge for teaching the elects of the claims and not explicitly teaching molecules having a zero dipole moment. The Office Action refers to Shenderov for teaching benzene and benzene is interpreted, in the Office Action, as a liquid providing a zero dipole moment as this is an inherent property of benzene.

Berge discloses a variable focus liquid lens having an insulating liquid 11 and a conductor liquid 13. The insulating liquid 11 and the conductor liquid 13 are both transparent, not miscible having different optical indexes and have substantially the same density (see col. 3, lines 7-10). The Office Action further refers to Berge for teaching "the conductor liquid 13, being made of water loaded with a salt(s) or other liquids that are conductive and the insulating liquid 11 may be an oil, an alcane or a blend of alcane, eventually halogenated or any other insulating liquid which is not miscible with conductor liquid 13." (see col. 6, lines 49-55).

However, applicant submits that neither Berge nor Shenderov discloses the use of a compound having a higher molecular weight than the first liquid in the second liquid and that the density of the first and second liquids, including the compound of higher molecular weight, are substantially the same.

From a reading of the Shenderov reference, the benzene liquid disclosed by Shenderov would be used in place of the insulating liquid 11 of Berge and, thus, the combination of Berge and Shenderov would not disclose the claim element of "the density of the first and second liquids, including the compound of higher molecular weight, are substantially the same."

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as the cited references fail to disclose a material element recited in the independent claim.

For at least this reason, applicant submits that the reasons for the rejection of the independent claim have been overcome. Withdrawal of the rejection is respectfully requested.

With regard to the remaining claims, these claims depend from the independent

claims and, hence, also include subject matter not disclosed by the cited references.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Applicant reserves the right to re-prosecute claims 1-13 in their form prior to this amendment in one or more continuing applications during the pendency of this application or any application depending therefrom.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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